

subsequently rezones the property to a nonresidential zoning district and no residential use is located on the lot.

- e. Canopies shall have pitched roofs.
- f. Canopy support columns shall be fully encased with masonry materials that are complementary to that used on the main building.
- g. The canopy band face shall be of a color consistent with the main structure or an accent color and may not be backlit or used as signage.
- h. Special landscaping is required from the curb cut on Preston Road to the curb cut on the intersecting street. The landscaping shall include the following.
 - 1. A thirty (30) foot landscape edge shall be provided adjacent to the right-of-way rather than a slip road.
 - 2. A double row of minimum three (3) inch caliper large trees shall be planted nominally twenty five (25) feet on center along the frontage of both streets.
 - (i) The first row of trees shall be planted sixteen (16) feet from the back of the street curb.
 - (ii) The second row of trees shall be planted thirty (30) feet from the back of the curb.
 - 3. Shrubs and annual plants shall be planted and maintained adjacent to Preston Road and the intersecting street.
- i. Within the [TO – Tollway Overlay District](#) gas pumps shall be permitted by right within the Historic, Typical, and U.S. 380 Gateway Sub-Districts.
- j. Within the [TO – Tollway Overlay District](#) U.S. 380 Gateway Sub-District, the following additional landscape elements are required.
 - 1. A fifty (50) foot front landscape edge.
 - 2. A three (3) foot earthen berm located within the front landscape edge.
 - 3. The front landscape edge tree requirement is increased by fifty (50) percent.

(17) Hall, Reception/Banquet/Meeting

- a. Reception, banquet or meeting halls may provide live or recorded entertainment, and, may serve catered meals and alcoholic beverages when the owner or operator holds the appropriate licenses and permits.
- b. Reception, banquet or meeting halls shall minimize disturbances to surrounding properties which includes restricting activities inside the structure or if located outside, no electronically amplified sound generated shall be audible at any time beyond the boundary of the property on which the facility is located.
- c. Pre-purchased tickets and ticket sales at the door are not allowed.
- d. Non-profit events (i.e., political fundraisers or a registered charitable program in compliance with all state statutes) held at a reception, banquet or meeting hall are allowed to be open to the general public and have pre-purchased tickets and ticket sales at the door.
- e. The certificate of occupancy, occupant load, and hours of operation shall at all times be posted in a conspicuous place on the premises.

(18) Home Occupation

A home occupation, in districts where allowed, shall meet the following standards to maintain the residential character of the neighborhood while providing opportunities for home-based businesses.

- a. Home occupations shall be conducted entirely within the main building.
- b. Home occupations shall not produce any alteration or change in the exterior appearance of the residence which is inconsistent with the typical appearance of a residential dwelling.
 1. No external evidence of the occupation shall be detectable at any lot line, including advertising, signs, smoke, dust, noise, fumes, glare, vibration, or electrical disturbance beyond the property line.
 2. No exterior storage of material, equipment, vehicles, and/or supplies used in conjunction with the home occupation.
 3. No storage of hazardous materials for business purposes shall be allowed on the premises.
 4. The home occupation shall not have a separate entrance.
 5. Not more than two patron- or business-related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles.
 6. A maximum of one commercial vehicle, capacity one ton or less, may be used or parked on the property in connection with the home occupation. The commercial vehicle shall not be parked on the street.
 7. The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of one and one-half (1½) tons.
 8. The home occupation shall not display advertising signs or other visual or audio devices which call attention to the business use.
 9. Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made by telephone or at a sales party may be filled on the premises.
 10. No traffic shall be generated by a home occupation in greater volumes than normally expected in a residential neighborhood, and any need for parking must be accommodated within the off-street parking provided for the residence (i.e. the driveway or garage) and along the street frontage of the lot.
- c. The home occupation shall be clearly incidental and secondary to the use of the premises for residential purposes.
- d. The home occupation shall employ no more than two individuals who are not an occupant of the residence. This shall not include the coordination or supervision of employees who do not regularly visit the house for purposes related to the business.
- e. The address of the home occupation shall not be included in any classified advertisement, yellow pages listing, or other advertisement.
- f. The home occupation shall not offer a ready inventory of any commodity for sale, except as specifically listed under [3.02.01. \(A\)\(18\)i.3 Author, artist, sculptor](#); (Page [99](#)).
- g. The home occupation shall not accept clients or customers before 7:00 a.m. or after 10:00 p.m. This limitation on hours of operation shall not apply to allowed childcare home occupations. Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. for outdoor activities.

- h. Outdoor activities are not allowed, unless the activities are screened from neighboring property and public rights-of-way.
- i. Uses allowed as home occupations shall include the following:
 - 1. Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession;
 - 2. Office of a salesman or manufacturer's representative, provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises;
 - 3. Author, artist, sculptor;
 - 4. Dressmaker, seamstress, tailor, milliner;
 - 5. Music/dance teacher, tutoring, or similar instruction, provided that no more than three (3) pupils may be present at any one time;
 - 6. Swimming lessons or water safety instruction, provided that a maximum of six (6) pupils may be present at any one time;
 - 7. Home crafts, such as weaving, model making, etc.;
 - 8. Repair shop for small electrical appliances, cameras, watches, or other small items, provided that items can be carried by one person with no special equipment, and provided that no internal combustion engine repair is allowed;
 - 9. [Child-Care: Licensed Child-Care Home](#), [Child-Care: Listed Family Home](#), or [Child Care: Registered Child-Care Home](#);
 - (i) Homes with six (6) or more children shall meet the City's building and/or fire codes.
 - 10. Barbershop, beauty salon, or manicure studio, provided that no more than one customer is served at any one time; and
 - 11. Community home and other residential care facility that qualifies as a community home under the Community Homes for Disabled Persons Location Act, Chapter 123 of the Texas Human Resources Code and as amended, provided such facilities meet the requirements set out within this Ordinance.
- j. Uses prohibited as home occupations shall include the following:
 - 1. Animal hospital, commercial stable, kennel;
 - 2. Boardinghouse or roominghouse;
 - 3. Schooling or instruction with more than five (5) pupils;
 - 4. Restaurant or on-premise food/beverage consumption of any kind;
 - 5. Automobile, boat, or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engines, or other repairs shops;
 - 6. Cabinetry, metal work, or welding shop;
 - 7. Office for doctor, dentist, veterinarian, or other medical-related profession;
 - 8. On-premise retail or wholesale sale of any kind, except home craft items produced entirely on premises;

9. Commercial clothing laundering or cleaning;
 10. Mortuary or funeral home;
 11. Trailer, vehicle, tool, or equipment rental;
 12. Antique, gift, or specialty shop;
 13. Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy; and
 14. [Cottage Food Production Operation](#) (Page [284](#)).
- k. Determination of a Home Occupation Use not Specifically Listed
1. The Director shall determine whether a proposed use not specifically listed is appropriate as a home occupation. The Director shall evaluate the proposed home occupation in terms of its impact on neighboring property, its similarity to other allowed and prohibited uses, and its conformance with the regulations herein.
- l. Appeal of the Director's Home Occupation Determination
1. If the applicant disagrees with the determination of the Director, the applicant may appeal to the Planning & Zoning Commission.
- m. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with these provisions shall be deemed a legal nonconforming use.

(19) Homebuilder Marketing Center

- a. Shall be used only to market homes/lots in the development where it is located when located in a residential zoning district.
- b. The use must be removed when all homes/lots in the development have been sold.

(20) Mobile Vendor

Mobile food vendors are subject to the following regulations:

- a. Mobile food vendors are permitted in [R – Retail District](#), [H – Highway District](#), [C-1 – Commercial-1 District](#), [C-2 – Commercial-2 District](#), or [PD – Planned Development District](#) with [O-1 – Office-1 District](#) or [O-2 – Office-2 District](#) as the base zoning only;
- b. Mobile food vendors shall be located on private property where an existing, permanent business operates in a building with a certificate of occupancy;
- c. Mobile food vendors shall provide the City with a copy of written permission from the property owner on an annual basis to allow the operation of a mobile vendor and to allow the mobile vendor and their customers access to a commercially plumbed public restroom on-site;
- d. A mobile food vendor shall submit a Site Plan depicting the location of the mobile food vendor on the property, shall secure a health permit from the Health and Food Safety Division, and a permit from Building Inspections prior to the operation of such use;
- e. Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City;
- f. Mobile food vendors shall be located within 50 feet of an entrance of a primary building that holds the Certificate of Occupancy;